

FILED

June 23 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0280

FILED

JUN 23 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

UNITED STATES OF AMERICA,

Petitioner,

v.

JUVENILE MALE,

Respondent.

ORDER

On June 11, 2010, the Supreme Court of the United States certified to this Court, pursuant to M. R. App. P. 15, the following question of law:

Is respondent's duty to remain registered as a sex offender under Montana law contingent upon the validity of the conditions of his now-expired federal juvenile-supervision order that required him to register as a sex offender, see Mont. Code Ann. §§ 46-23-502(6)(b), 41-5-1513(1)(c) (2005); *State v. Villanueva*, 328 Mont. 135, 138-140, 118 P.3d 179, 181-182 (2005); see also § 46-23-502(9)(b) (2009), or is the duty an independent requirement of Montana law that is unaffected by the validity or invalidity of the federal juvenile - supervision conditions, see § 46-23-502(10) (2009); 2007Mont. Laws ch. 483, § 31, p. 2185?

In its certification order, the Supreme Court of the United States has provided the procedural background of the case and also set forth a statement of relevant facts. Therefore,

IT IS HEREBY ORDERED that this Court accepts certification of the above question pursuant to M. R. App. P. 15(7), based on the statement of facts provided by the Supreme Court of the United States, and will undertake review of the matter following briefing to be submitted by the parties. In rendering a decision, the Court may reformulate the question.

IT IS FURTHER ORDERED that the parties shall prepare, file, and serve briefs addressed to the certified question in accordance with the Montana Rules of Appellate

Procedure, with the opening brief to be filed by the Petitioner on or before 60 days from this date of this Order, and briefing thereafter to be filed as scheduled by the Rules.

The Clerk is directed to provide copies of this Order to counsel of record for the parties in the underlying matter pending before the Supreme Court of the United States, and to the Supreme Court of the United States.

DATED this 9<sup>th</sup> day of June, 2010.

  
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Chief Justice

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Brian M. ...

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W. William ...

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Michael ...

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Justices

Justice Patricia O. Cotter did not participate in this matter.